DEFENDANT'S REQUESTED JURY

INSTRUCTION No. 4

You have seen and will take back to the jury room government exhibits 1, a birth certificate application, and 2 a birth certificate in the name of William S. Baldwin.

You are instructed that you cannot infer any criminal behavior on the part of the defendant from either the fact that Mr. White filled out an application for or possessed the Baldwin birth certificate.

APPENDIX L

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

United States of America,	Docket No. CR 90-0427 TFH
vs.	Washington, DC
	Wednesday, March 4, 1992
	9:30 a.m.
Blaine A. White,	
	EXCERPT
Defendant.	

Volume 3A
TRANSCRIPT OF TRIAL
Discussion of Jury Instructions and
Government's Closing Arguments
Before the Honorable Thomas F. Hogan
United States District Judge, and a jury

APPEARANCES:

For the Government: Eric Dubelier, Esq.

For the Defendant: James Jones, Esq.

Court Reporter: WILLIAM D. MC ALLISTER
Official Court Rprtr
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Proceedings recorded by stenomask, transcript produced from dictation
Pages 3A-1 through 3A-36

[3A-2]

[Defendant present.]

THE COURT: Let me just take up a few things and then you can all address me with your concerns.

Defendant's requested Jury Instruction Number 4, that I read at the lunch hour, as to inferring any criminal behavior on the part of defendant from the fact Mr. White was issued the birth certificate or he filled out an application for it, referencing the state of the law in this case, that is, that he was found not guilty of the charge of intent to defraud by securing of the birth certificate and filling this application for it and therefore cannot be used in this case.

I have already ruled that the

facts could be used but that the government couldn't make any argument to the jury or introduce any other evidence tending to make the birth certificate the gravamen of the offense against the defendant in this trial.

How does the government intend to use the fact of the birth certificate or the application? You have it in evidence he obtained it and that he applied for it. What is wrong with the instruction the way he has drafted it?

MR. DUBELIER: Your honor, I would submit to the Court that it is perfectly permissible for the jury to infer that the act of getting the birth certificate, in addition to all of the other evidence, all of the other actions taken by Mr. White, [3A-3] coupled, all that evidence together can establish guilt.

I think it is incorrect to tell the jury that they cannot infer that the fact that the birth certificate was obtained, and the fact that Mr. White gave it to Mr. Linden, can be used by them in terms of all of the evidence and all of the circumstances in reaching a determination as to whether or not the defendant is guilty.

I would analogize this to the Dowling case, Your Honor, where, although we weren't talking about jury instructions there, in Dowling, certainly the jury in that case could infer from the previous evidence that defendant Dowling had committed a burglary, that it was either likely or more than likely that he had committed the instant armed robbery that he was charged with in the pending indictment even though he had been acquitted of that burglary.

Otherwise, there would be no use for the evidence at all. There would be no reason to put the evidence in.

THE COURT: That was the original argument. I will deny the request to use Defense Jury Instruction Number 4 because I think it is not accurate as to the state of the law of this case totally.

I sympathize with the defendant and his concerns about retired on the same count, and that is what it went to the Court of Appeals on, but as I ruled earlier, the Court of Appeals did not reverse my ruling that the application for, and [3A-4] the submission of, the birth certificate could be brought out in evidence in this case, and that was in my reported opinion Fed. Sup., that the Court of Appeals reviewed in their opinion, despite their language I think which did

not have full reference to the record and to the government's brief and to my opinion that they made concerning evidence about the birth certificate.

I have already ruled that that could come in, and the fact he had an application for it. What can't come in is the government using that, as I said, for the gravamen of the offense in this case.

So, I will deny that, but the defendants have taken their exception from that and preserve that for the record...

[3A-20] That is what this case is all about, because if you don't believe they met in '84, and you don't believe that Mr. Linden told Mr. White that his name was William Smith Baldwin, then all of the other things that Mr. White has told you cannot be correct. It all becomes irrelevant.

If you don't believe they met in

'84, and you don't believe that Linden told him his name was William Smith Baldwin, then Mr. White is just not telling you the truth and that he is guilty of the offenses charged.

Now, carefully consider the last two counts on the passport application because they are different. One of the counts charges that Mr. White assisted Mr. Linden in obtaining the passport by giving him the name and Social Security number to use on the passport.

Clearly, he gave him the birth certificate that was used to get the passport, and that birth certificate was in the name of William Smith Baldwin. Linden claims that the Social Security number came from Mr. White.

You have to decide is it reasonable, based on the evidence, that Mr. Linden went into the law offices of

Lee & Harvey, went through the closed files, and found Jeff Brown's Social Security number in a file from years ago and used that, or is it more reasonable to you that would have been something that Mr. White would have had the opportunity to so and the opportunity to give him that Social Security number.

In the second count, it is very different from the first count on the passport. That is Count Five. That charges Mr. White with himself falsifying a portion of the passport of the application, and that is the affidavit that becomes a portion of the application once it is signed.

Essentially, that stated, and Mr. White stated, that he had known Mr. Linden for at least five years or for five years, and that he was a U.S. citizen.

Clearly, if you reject Mr.

White's argument that he had met Mr. Linden back in 1984, and Mr. Linden had introduced himself as William Baldwin, then Mr. White must be guilty of Count Five, because there is no way that he could have known him for five years, known him as a U.S. citizen, and known his name to be William Smith Baldwin. I will talk about that a little bit later.

Let's talk about the birth certificate. You heard Mr. [3A-22] Taylor testify as to the rules and regulations at the Department of Vital Records. I think you will remember he was the first witness yesterday.

Mr. Taylor said there was a different set of rules for whether or not you are getting a birth certificate for a deceased person or for a live person. I think you will remember that if you think back carefully.

What he said was the only way to get a birth certificate for a live person is if you are the person or you have an affidavit from someone, a live person, authorizing you to get that birth certificate.

But what he told you was it is a different story when it comes to a deceased person, because we make accommodations to attorneys if the person is deceased. Attorneys handle estate matters. It is necessary for them to come in and get birth certificates. We make accommodations.

But what you have in this case is that Mr. White applies for and obtains, by his own admission -- this isn't in dispute -- he obtains the birth certificate for William Smith Baldwin. He filed the application on 11-1 of '89, and there is the birthday of William Smith

Baldwin, and he gets the birth certificate.

Well, we know that William Smith Baldwin was deceased. That is how we got the birth certificate, because Mr. Baldwin was deceased. I will submit to you that -- where did he get [3A-23] that date of birth? Now, he says, Mr. White says he can't remember. He says he cannot remember.

What I would suggest to you is that you read very carefully the obituary notice, which is Government's Exhibit Number 7. You are going to have the opportunity to take this back, and just for one second I am going to hold it up because it is not a regular obituary notice. ...

[3A-29] She also testified that she knows she called Mr. White. She said Mr. Layton gave me your name as a credit

reference for G & W Finance & Leasing to rent an apartment, and Mr. White said it's okay, rent the apartment.

Now, Mr. White wants to tell you now, no, no, no, she never said Layton. Well, her recollection is that she said Layton.

So, we have Mr. White attached to the name Mr. Layton once, but not once, twice. Sandhurst Corporation. Look at the articles of incorporation that are in there, and Mr. Layton is listed, Mr. Layton, Mrs. Layton, Mr. Layton, Jr. Those are the names listed under the articles of incorporation as the directors of Sandhurst Corporation, that Mr. White filled out for Mr. Linden.

Now, if you want to believe now, if he wants to come in and tell you, almost two years later or over two years later, that no, no, he gave me those

names, I never checked. I never knew that that was the alias he was using, folks, it doesn't [3A-30] make sense.

What makes sense is clearly Mr. White knew that this was an alias being used by Mr. Layton, and he took that name and put it in the articles of incorporation. That is what the evidence is going to show you. That is what the documents will show you if you go through and you look at them.

Let's talk about Norman Moore. Where does Norman Moore come up? Again, Norman Moore comes up twice. The first time -- and this is pretty interesting -- birth certificate application.

Take a good look at Government Exhibit 1 when you go back there. William H. Moore. Okay. We have William H. It is not using Norman Moore, we have William H. Moore on here. Mr. White is saying --

Mr. White is saying that this was a name given to him by Mr. Linden, who is going to be the witness for obtaining the birth certificate, although Mr. Moore never shows up, William Moore.

And you think, well, okay, I could buy that, that may not be a problem, but Mr. Moore pops up again in the case. Mr. Moore pops up again in the American Express Moneygram in October, and on that it is Norman Moore.

Now, Mr. White says that on October 24th of 1989, he sent some money to Mr. Linden in Arizona, right? He said I forwarded it to him, I cashed the check, the $5,000 check that we talked about over here, 5,400, October 29, and then 10-29 he

[3A-31]

forwards that money to Mr. Linden in Arizona. But look at the Moneygram. He doesn't sent the money to Mr. Linden. He

sends it to Norman H. Moore. We have the money to Mr. Linden. He sends it to Norman Moore. We had the name again.

Does that tell you that he knew, that Mr. White that Mr. Linden was also using the name Norman Harold Moore? I think so. I think so. How else would Mr. Linden get the money? How else would he get the money?

It is Mr. Linden's money. Mr. White told you -- I believe his exact words were "it's a death penalty offense for a lawyer if you mess up a trust account." If you mess up somebody's money in that trust account, you have got a real problem.

Well, here he has taken out $5,000 of Mr. Linden's money and sending it, not to Mr. Linden, as he says he did, but to somebody named Norman H. Moore, and the reason was clearly Mr. White knew that

Mr. Linden was using the name Norman H. Moore, and he couldn't be using his real name.

Now, Bill Baldwin. Passport application. Now, you will notice there is no evidence, none, zero, that prior to November 1st of 1989, Mr. Linden ever used the name Bill Baldwin. Sift through all of the documents, all of the papers, take your time. There is a lot of Stuff. You need to look at it all.

There is not one piece of evidence that Mr. Linden used the name Bill Baldwin prior to November 1st of 1989. Why is that important? Very simple. He didn't have the name. He didn't get it until November 1st of 1989, when Mr. White got him the birth certificate, November 1st, 1989.

You won't find it. You can look.

APPENDIX M

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

United States of America,	. Docket No. CR 90-0427 TFH
vs.	. Washington, DC
	. Monday, March 2, 1992
	. 9:58 a.m.
Blaine A. White,	.
Defendant.	.

. . . . . .

Volume 1A
Transcript of Trial
Before the Honorable Thomas F. Hogan
United States District Judge, and a jury

APPEARANCES:

For the Government: Eric Dubelier, Esq.

For the Defendant: James Jones, Esq.

Court Reporter: WILLIAM D. MC ALLISTER
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Proceedings recorded by stenomask, transcript produced from dictation

Pages 1A-1 through 1A-99

[1A-34]Eric Dublier for the government, James Jones for the defendant.

[Segments not requested to be transcribed.]

[Prosecution opening statement.]

MR. DUBLIER: Thank you, May it please the Court, good afternoon, ladies and gentlemen.

My name is Eric Dublier and I am an Assistant United States Attorney here in Washington, D.C. As an Assistant United States Attorney, all that means is that I am the person here in court for the next several days that is responsible for representing the United States in connection with the criminal case against Mr. White.

What that means, as the Judge has told you, is that I am not a witness to the case. I have no evidence about the

case. My job is to call the witnesses that know about this case to the stand, let them testify so you can hear what they have to say.

My job is to present to you whatever exhibits and documents there may be for your consideration, and then at the end of the trial I will have an opportunity to make an argument to you and essentially argue to you the position of the United States as to why Mr. White is guilty of the charges contained in the indictment.

Then, it will be your job, as a jury collectively among yourselves, the 12 people that go back to deliberate, to make a decision based on the evidence, not based on my argument [1A-35] or the argument of Mr. Jones, but based on the evidence that you have heard from witnesses on the witness stand, that you

can see by looking at the documents and records that are going to be introduced into evidence, as to whether or not Mr. White is guilty of the charges contained in the indictment.

Now, Mr. White is charged in four separate counts of an indictment; and when you go back to deliberate, you are going to have a copy of the indictment. You will be able to read it. You will be able to see it. You will see exactly what the United States has accused Mr. White of doing.

But essentially what you are going to see, to make it simple for purposes of following this trial, is that all of the counts in the indictment are essentially intertwined and they involve conduct relating to a man by the name of Harold Linden, and Harold Linden was a man who -- I am going to tell you the story --

but essentially he is a man that wanted to get into the United States and couldn't legally get here.

The United States has charged Mr. White with helping Mr. Linden get into the United States and obtain a United States passport that he was not entitled to. Now, to follow this story, we have to go back several years, because this goes back a couple of years ago when this all started, and essentially it all started back in December of 1988, three and a half or so years ago.

Back in December of 1988, Mr. Linden was in jail in ...

[1A-55] ... MR. DUBLIER: I would ask the record reflect that the witness has identified Mr. White.

THE COURT: Without objection, I will.

BY MR. DUBLIER:

Q Now, sir, do you have a recollection that on November 1st of 1989, you saw Mr. White at your office at the Department of Vital Records?

A Yes, I remember seeing Blaine on that date.

Q Sir, I will show you what has been marked as Government Exhibit 1.

[Government's Exhibit 1 was marked for identification.]

BY MR. DUBLIER:

Q And ask before you begin testifying about it, if you recognize what it is.

A It is an application for a birth certificate.

Q How is it that you recognized that? Is that a form that was regularly used in your office?

A That is the normal form that is available in the customer waiting area, that customers fill out and present to the

cashier for a birth certificate.

Q Now, does that form have any markings of your on there, which you can personally identify as something that you wrote on [1A-56] the form?

A Sure. Up in the right hand corner there is "O.K. TT."

Q Now, in connection with Government Exhibit 1, is that something that is related to your recollection having seen Mr. White on November 1st of 1989?

A Yes, it is.

Q Would you explain how that is so?

A Well, I remember seeing -- I remember either being in the waiting room or seeing Blaine in the waiting room, but knowing Blaine was an attorney, and as I say, we try to get attorneys out as fast as possible, I went and said how can I help you. You know, Blaine gave me -- told me why he was there -- he gave me this. I

ran it through the cashier. The cashier validated it, and we sent it right back, I told them to bring it right out.

Q And that form in essence would authorize the releasing of the birth certificate for the man named on the form, is that correct?

A Correct.

Q Is that form, to your knowledge, a record that was kept within the course and scope of the activities within the Department of Vital Records?

A Yes, it is, we keep these.

MR. DUBLIER: Your Honor, at this time I would offer, [1A-57] file, and introduce into the record Government Exhibit 1.

MR. JONES: May we approach the bench?

THE COURT: Sure.

[Bench conference on the record.]

MR. JONES: Your Honor, for the record I am going to object, and I want to place that on the record.

THE COURT: On the same grounds a previously on the motion of limine that this was a retrial issue which he was not found guilty of and is barred by double jeopardy?

MR. JONES: That is correct, Your Honor.

THE COURT: And for the reasons that I gave earlier, that this was fact, that he is introducing it not as evidence of the essential element of the crime, which he then committed again, I will allow it. The way it has been charge [sic], he has been charged with a different offense at this time. So I'm allowing it.

[End of discussion at the bench.]

THE COURT: It is admitted as

Exhibit 1 in evidence.

[Government's Exhibit 1 was received in evidence.]

BY MR. DUBLIER:

Q Mr. Taylor, I am going to show you what is marked as Government Exhibit 1-A and ask you whether or not, by looking at 1 and 1-A, to you 1-A just appears to be an enlargement of 1.

A Yes.

[Government's Exhibit 1-A was marked for [1A-58] identification.]

MR. DUBLIER: Your Honor, at this time I would offer, file, and introduce into the record 1-A.

THE COURT: That is an enlargement of Exhibit 1. All right. It will be admitted for the same reason that I gave earlier.

[Government's Exhibit 1-A was received in evidence.]

BY MR. DUBLIER:

Q Mr. Taylor, if you would, could you point out for the ladies and gentlemen of the jury where on there your initials are which indicate that you approve?

A It says "O.K. TT" right there.

Q Right up there where I am pointing to?

A Yes.

Q To your recollection, that is in fact, Government Exhibit 1-A is an enlargement of the document that Mr. White submitted to you on November 1st, 1989 --

A Yes, it is, sir.

Q -- to obtain the birth certificate of William Smith Baldwin?

A Correct.

Q Mr. Taylor, I am showing you what is marked as Government Exhibit 2.

[Government's Exhibit 2 was marked for identification.]

BY MR. DUBLIER:

[1A-59]Q I would ask you whether or not you recognize that.

A This is the birth certificate that we gave when Blaine came in.

Q Would you be a little more -- when you say "we" --

A That I gave, my office.

Q Do you recognize that as being the birth certificate that was given to Mr. White on November 1st, 1989, in the connection with the application contained ion Government Exhibit 1?

A Yes, sir.

Q That birth certificate, does it have a stamp on it certifying it?

A It has the seal of the Registrar of the State of Maryland.

MR. DUBLIER: Your Honor, at this time I would offer, file, and introduce into the record Government

Exhibit 2.

THE COURT: With the reasons given previously to preserve the objection, I will overrule the objection and allow it in.

[Government's Exhibit 2 was received in evidence.]

APPENDIX N

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

United States of America,	Docket No. CR 90-129
vs.	Washington, DC
	July 2, 1990
	10:00 a.m.
Blaine A. White,	
	EXCERPT
Defendant.	

TRANSCRIPT OF JURY TRIAL
BEFORE HONORABLE THOMAS F. HOGAN
UNITED STATES DISTRICT COURT

VOLUME IIIA

APPEARANCES:

FOR THE GOVERNMENT: ERIC DUBELIER, ESQ.
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Washington, D.C. 20001

FOR THE DEFENDANT: JAMES JONES, ESQ.
Lee & Harvey
1212 New York Ave., NW
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ALSO PRESENT: MR. BRIAN DUE

Court Reporter: WILLIAM D. MC ALLISTER
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(Pages 1-57)

COMPUTERIZED TRANSCRIPTION OF NOTES

[IIIB-2]

I N D E X

Opening Argument by Mr. Dubelier
Page 4

Argument by Mr. Jones
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Closing Argument by Mr. Dubelier
Page 23

[IIIB-3] (Defendant present.)

(Testimony previously transcribed in Volume IIIA.)

* * * *

THE COURT: Have you got all the exhibits out?

MR. DUBELIER: Yes, sir.

THE COURT: Ready to go?

All right you can bring the jury in then.

(Jury in.)

THE COURT: All right, Ladies and Gentlemen, you may be seated.

Ladies and Gentlemen, the time has come for the summation or closing arguments, as I had explained to you earlier, and they are part of the case. The attorneys get to address you at the end of the case.

As I mentioned to you, the opening statements were like road maps, where the parties laid out what they intended to prove or what they believed the case was about. The closing arrangements, or summation, are just that; that is, they're arguments to you summarizing the evidence from the particular party's point of view and the lawyer's laying out that evidence, convincing you of the rightness of their case or their side.

In this case, Ladies and Gentlemen, being a criminal case, the government goes first in the closing arguments and has a right to have a rebuttal closing argument,

because the [IIIB-4] government has the burden of proof at all times to prove the defendant guilty of the charges beyond a reasonable doubt and therefore has the opportunity to address you first and last. The defendant will address you in between.

So, Ladies and Gentlemen, I'm going to ask you to pay close attention to these closing arguments and remember again, however, unless it's a stipulation agreed to by the parties, what attorneys say is not evidence in the case, but I would ask you to give close attention to each side in this case as they present their closing arguments to you.

All right, we'll recognize first the government in the case.

MR. DUBELIER: Thank you, your Honor.

OPENING ARGUMENT

BY MR. DUBELIER:

Ladies, and Gentlemen, I'm just going

to spend about probably 10 and 15 minutes to sum up the evidence that the government presented over the last several days, and I'm going to get in a lot, because I tend to talk fast, and the more I get into it, the faster I talk, but I'll try and make everything as clear as I possibly can, because really what I want to do in my first opportunity to speak to you is sum up most of the evidence in this case which is not in dispute.

There seems to be a lot of agreements about what occurred and what really is going to be at issue when you go [IIIB-5] back to deliberate and try to determine whether or not Mr. White is guilty is what was his intent, what was he thinking at the time all these events were occurring, and to be able to do that, the Judge will tell you in his charge to the jury what you have to do is you have to look at all

the circumstances around this entire incident, and you're going to have the difficult task of coming to a conclusion based on those circumstances as to whether or not the defendant, Mr. White, has a criminal intent, that is, an intent to commit fraud in this case essentially by obtaining the birth certificate, as well as assisting Mr. Linden in obtaining the passport.

And let's begin by talking about some things that don't appear to be in dispute based on the evidence that was presented. First, we know that Mr. White went to the Department of Vital Records for the State of Maryland on November 1st of 1989, and he obtained a birth certificate in the name of William Smith Baldwin. We know he did that. Mr. White admits he did it, and Mr. Taylor, who was the director of that particular office, testified that he

recalls Mr. White coming in and obtaining the birth certificate on that day.

We also know that Mr. White filled out this exhibit, and we have a stipulation that I entered into with counsel that an FBI expert analyzed this document and he came to the [IIIB-6] determination that the handwriting that appears on this document was, in fact, the handwriting of Mr. White, as well as the fact that an FBI expert examined this and determined that Mr. White's fingerprints were on the document. So I don't believe we have any dispute Mr. White filled out this entire document and he submitted it to the State of Maryland and in return obtained the birth certificate, which is listed, and you'll see it when you go back and deliberate, Government's Exhibits 2, which is the birth certificate of William S. Baldwin, a man who was born on February

14th of 1927.

We further know now that Mr. Baldwin was a judge in Baltimore for many years, lived in Baltimore for many years, and was involved in politics in Baltimore, and you're going to see a copy when you deliberate again of the obituary that appeared in the Baltimore Sun for Judge Baldwin on October 30th, and it's quite a prominent obituary. You can see it's not the normal small obituary, but it's up top here in big letters, and you'll have the chance to look at that when you go deliberate, and it will tell you a bit about Mr. Baldwin, who's listed in this birth certificate application.

Now we also know and there's no dispute that Mr. White, in addition to filling out this entire document, wrote the name William H. Moore on the bottom and signed the name William H. Moore on

the bottom and he did so without [IIIB-7] ever having spoken to Mr. Moore, without ever having any authorization from Mr. Moore to sign Mr. Moore's name on the document, and he filed this as an official document with the State of Maryland to obtain that birth certificate, and we now know that the applicant, that is, the person requesting this birth certificate, was not Mr. Moore, nor did Mr. Moore sign this, nor did he give his authorization for his name to be signed on there.

We also now know that the reason for the request, that is, court proceeding, is not true, that the reason this birth certificate was being obtained was so that it could be given by Mr. White to another individual so that individual could obtain a passport.

Now Mr. Taylor testified and he told us that he has a recollection of this

incident and has a recollection of supplying the birth certificate to Mr. White, and he further told us that under no circumstances did Mr. White ever tell him that it was for anything other than an estate, to handle an estate, that is, to settle a [sic] estate of a person who is deceased, and what he further told you is that under no circumstances would he ever give a birth certificate to a third person of a live individual.

He said that's handled in another department in his office. He doesn't go anywhere near that, that under, the only circumstance under which the birth certificate would be [IIIB-8] issued is if it was for handling of an estate of a deceased person.

Now, Mr. White testified that that is not true, that he told Mr. Taylor the circumstances of, under which he was

obtaining this. Mr. Taylor's recollection is completely different from that of Mr. White, and you're going to have to make a decision essentially who to believe based on what occurred in that conversation, because it's not really open to interpretation. Mr. Taylor says one thing; Mr. White says something else.

I would submit to you someone is mistaken, and a mistake in this circumstance is going to benefit no one other than Mr. White. Mr Taylor has no motive to come in here and testify as to anything other than the truth. In fact, he's a friend of Mr. White's, they grew up together, they attended the same church, they went to college together, and he's coming in and he's telling you under oath, "This is what I recall" and he says, I recall that he told me it was for an estate and for no other purpose.

Now we also know and its not in dispute that Mr. White and Mr., who we now know as Mr. Linden, went to the passport agency, the Congressional Passport Office on November 13, 1989. Mr White filled out this affidavit, stated that he had known the individual for at least five years. [IIIB-9]

He also, apparently the applicant stated that the briefcase containing all I.D. documents was stolen, and the clerk, Mr. Flynn, wrote that on the form. And additionally, we also know that the individual who we know as Mr. Linden filled out this passport application, and in return for filling out this passport application, he obtained the United States Passport.

What do we know that's false on this application? Well let's start with the social security number. We know that that

social security number belongs to a man by the name of Jeff Brown, who went to Mr. White's law firm sometime approximately two years ago on a personal injury case, never did, in fact, retain anyone at Lee & Harvey, but gave all his personal information over, that is, name, date of birth, address, social security number, and then two years later, the remarkable coincidence occurs that his social security number shows up on this fraudulent passport application.

And I would submit to you, Ladies and Gentlemen, that common sense will lead you to no other conclusion but the only way that got on there was Mr. White gave that to Mr. Linden to put on there and that's very, very interesting about this, and it's so obvious when you look at the, the real one this is the actual application that was filed at the passport office,

look at this carefully. It's all in the same color ink. [IIIB-10]

You don't have to be any type of expert to see that it's all in the same color ink except the social security number, which is in a different color ink, which would lead one to no other conclusion than it was written there at a different time, and I would submit to you that it was written in at the last minute, when they realized, "We've got to put some real social security number on there, because if we put a complete fake one, if we make one up and they run it in the computer, it's going to come back as bad. So we have to put a social security number on there," and it turns out that the number that gets on there is a number that belonged to a former client of Lee & Harvey.

What else is false? Well, father's

name and mother's name we know are the true father and mother of William Smith Baldwin, so that information is false. We also know, and this is very important, permanent address. It doesn't say office address. It doesn't say mailing address, 111 South Calvert Street, Baltimore, Maryland, 21202.

Well, what do we know about that permanent address? We know that that's the law offices of Lee & Harvey. Well, we know that Mr. Linden wasn't living at that office. He wasn't working at that office. That wasn't his permanent address. This telephone number is the phone number of Lee & Harvey in [IIIB-11] Baltimore. This telephone number is the business phone number of Lee & Harvey in Washington, D.C. All of this information is false.

And Mr. White is going to tell us that he looked at this at the passport

office, but he only looked at the top, and when he got to No. 2, he stopped reading. Now isn't that a remarkable coincidence, that he read the stuff, which mailing address, well that's fine, there's no problem with that, and name, there's no problem with that, but once it began with all the false information that's contained on this document, he stopped reading?

And so he's going to tell you or he wants you to believe that he had no idea what was on that document when it was filed by Mr. Baldwin and presumably that if he had seen that information, he would have corrected it, because he would have known that it would be false.

I would submit to you Ladies and Gentlemen, that that's simply not a credible explanation, that he went to the passport office and that he knowingly allowed William Smith Baldwin, who he knew

to be Mr. Linden, to file this false passport application to be able to obtain what's been marked as Government's exhibit 5, which is a United States passport in the name of William Smith Baldwin with Mr. Linden's photograph in there.

Now we know that when Mr. Linden was arrested in [IIIB-12] Phoenix, Arizona, he had a passport, he had the birth certificate, he had a British passport in the name of Norman Harold Moore, you're going to se that, he had a Moneygram, which there's been a lot of discussion about, which reflects a transfer of $5,000 from Mr. White to an individual by the name of Harold Moore in Phoenix, Arizona, in October of 1989, and again that's critical, because the transfer of funds to another alias, another fake name of the, Mr. Linden, occurred prior to the obtaining of the birth certificate and the

filing of the passport application.

I would submit to you, Ladies and Gentlemen, that that establishes that there's knowledge on the part of Mr. White, that is, he had every reason to know that this man was not the William Smith Baldwin who was born in Baltimore, Maryland, on February 14th of 1927.

Now when Mr. White was originally confronted with this, he made some statements. He made some statements to Agent Klugiewicz in Phoenix as well as some statements to Agent Due here in Washington, D.C., and what's very important is that he told both of the agents that when Linden came to him, he already had the birth certificate. He told them both that, and there doesn't seem to be any dispute about that, because even on cross examination, neither agent was impeached as to what was said. He

told both agents, "When Linden came to me, he had the birth certificate."

[IIIB-13] Well, then Mr. White gets on the stand, and he's going to tell us well, he did have a birth certificate. He had xeroxed copy one, which is a convenient way to explain away the statement to the agent. But why didn't he tell either agent then?

He didn't tell either agent that he had gone to the Department of Vital Records in the State of Maryland and obtained a certified copy of the birth certificate for Mr. Linden. Certainly that was relevant, and that didn't appear anywhere in the statements that the defendant, Mr. White, made to either agent when he spoke with them.

Additionally, folks, you're going to see the bank records, which reflect wire transfers of funds into Mr. Linden's

account, and you're going to see on those wire transfers of funds, on the first one a transfer from an individual by the name of Harold David and on the second one a transfer from an individual by the name of Harold David Linden, which again I would submit to you establishes knowledge that Mr. White had knowledge of the true identity of this individual prior to the filing of the passport application.

Additionally, you're going to see a check. Now Mr. White has told us that he did not get paid any money whatsoever to assist this individual in obtaining these documents. You're going to see a check which is dated [IIIB-14] November 1, 1989, which is the same day that Mr. White went to the Department of Vital Records and obtained the birth certificate, November 1, 1989, and the notation on the check, it's made out to cash, which essentially

allows Mr. White to go into the bank, submit the check made out to cash, and receive $2,600 in cash, and the notation is, "Documents of identification per client."

Well, wouldn't common sense lead us all to believe that this transaction had to do with the obtaining of this birth certificate? But Mr. White is going to tell us, "No, that was just a business disbursement of funds in a trust account that I was returning to Mr. Linden. Essentially those were his funds, and I was returning them to him."

But he didn't write that on the check, folks. He didn't write "disbursement of funds," which he could have written. He wrote on there "documents of identification per client," which again I would submit leads you to the only conclusion that that transaction

of $2,600 had to do with the obtaining of this birth certificate on November 1st of 1989.

Now, Ladies and Gentlemen, I would submit to you that the sole issue to be resolved in this case is intent, that is, what was in Mr. White's mind at the time that he was involved in these transactions with Mr. Linden, and I would submit to you that all of the circumstances of this case and all of the facts of this case point to the fact that Mr. White either had direct knowledge or certainly had reason to believe that this man that he was dealing with was not the William Smith Baldwin who was born on February 14th of 1927, and if that's the case, and all of the circumstances point you in that direction and to that conclusion, then there was no conclusion but that Mr. White is guilty as charged as to both counts, that is, Count

I, for possessing the birth certificate with an intent to use it for a fraudulent purpose, and Court 2, aiding and abetting Mr. Linden in obtaining the passport on November 13th of 1989.

Thank you very much for your attention.

THE COURT: Thank you, sir.

Mr. Jones, on behalf of Mr. White?

ARGUMENT

BY MR. JONES:

May it please the Court, Government counsel, Ladies and Gentlemen of the Jury: Will the real Harold Linden please stand up. How about William S. Baldwin or Norman Harold Moore or William Layton or Larry Dale Lewis? How about Blaine White? You know where Blaine White is.

Ladies and Gentlemen, as I told you

in my opening, this is a case that's rooted about and around an individual that is very artful in the deception of identification. Throughout the course of this trial, we've seen the government put on the evidence after evidence after evidence with regards

APPENDIX O

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA,	Criminal No. CR 90-129
vs.	Washington, DC
	June 29, 1990
	9:30 a.m.
BLAINE A. WHITE,	
Defendant.	

TRANSCRIPT OF JURY TRIAL
BEFORE THE HONORABLE THOMAS F. HOGAN
UNITED STATES DISTRICT JUDGE

APPEARANCES:

FOR THE GOVERNMENT:	ERIC DUBELIER, ESQ. 555 Fourth St., NW Room 5832 Washington, D.C. 20001
FOR THE DEFENDANT:	JAMES JONES, ESQ. 1212 New York Ave, NW Washington, D.C. 20005
ALSO PRESENT:	MR. BRIAN DUE
OFFICIAL COURT REPORTER:	ANNELIESSE J. THOMPSON 6814 U.S. Courthouse 3rd & Constitution, NW Washington, D.C. 20001 (202) 842-5069

[II-22] MR. JONES: Yes. We don't believe that the government has met its burden and that their intimates know everything of the knowledge that Mr. White knew Mr. Linden by anything else, any name other than the name of William Baldwin, and as your Honor may recall, throughout the last hearing before your Honor at the suppression hearing, the government indicated at that time that they had nothing to show knowledge, and we do not believe at this point that they have sufficiently, after a full trial, met their burden.

THE COURT: What does the government have in Count I that Mr. White knowingly possessed the birth certificate with the intent to be used to defraud the United

States, and that ties into Count II additionally, in other words, assisted Mr. Linden to obtain a passport through fraud?

MR. DUBLIER: Your Honor, its the government's position that the actual acts charged are not in dispute and the issue only is the intent of the defendant at the time he performed the acts.

It is the government's position that essentially there are five pieces of evidence which go to the defendant's intent, the first being an obituary notice that appeared in the Baltimore Sun newspaper on October 31st of 1989, a day before the birth certificate was obtained, indicating that Mr. Baldwin had been a district court judge for many years in a court in Baltimore. And the obit is very prominent. It takes up

APPENDIX P

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA,	Criminal No. CR 90-129
vs.	Washington, DC
	June 28, 1990
	1:30 p.m.
BLAINE A. WHITE,	EXCERPT OF AFTERNOON
Defendant.	SESSION

TRANSCRIPT OF JURY TRIAL
BEFORE THE HONORABLE THOMAS F. HOGAN
UNITED STATES DISTRICT JUDGE

VOLUME I

APPEARANCES:

FOR THE GOVERNMENT: ERIC DUBELIER, ESQ.
555 - 4th Street., NW
Room 5832
Washington, D.C. 20001

FOR THE DEFENDANT: JAMES JONES, ESQ.
Lee & Harvey
1212 New York Ave, NW
Washington, D.C. 20005

OFFICIAL COURT REPORTER: ANNELIESSE J. THOMPSON
6814 U.S. Courthouse
3rd & Constitution, NW
Washington, D.C.
20001
(202) 842-5069

[I-11] You're also going to see that on October 10, 1989, there was a wire transfer into that trust account in the amount of $4,686, and there's also a little computer entry on that to show where that wire transfer came from, and that wire transfer came from Harold David Linden. That's what's on that bank statement.

And you're also going to see in those bank records that on November 1, 1989, which is the same date that Mr. White went to the Department of Vital Records and obtained the birth certificate, he wrote a check to carbon his attorney trust account, essentially a check to cash that would allow him to go

into the bank and cash and take funds out of that account, and that check was in the amount of $2,600, and on the little notation portion of the check, down on the left-hand corner is stated, "Documents of identification per blank."

You're going to hear from the witnesses who were involved in this, and essentially you're going to have to make a determination as to whether or not Mr. White engaged in a fraud on the United States government in assisting Mr. Linden in attempting to gain this passport, and the critical issue you're going to have to decide is at the time the birth certificate was obtained on November 1st and at the time the passport was obtained on November 13th, did Mr. White know that the individual, Mr. Linden, was not William Smith [I-12] Baldwin, and if you find from the evidence that Mr. White knew

when he obtained the birth certificate as well as when the passport was applied for that that individual who he was assisting was not really William Smith Baldwin, then the evidence is sufficient so that you must convict Mr. White of the charges against him.

That's the critical issue. That's what you should be looking for, and it's the government's position that that's what the evidence will show as you listen to it over the next two days. Thank you very much for your attention.

THE COURT: Thank you, sir.

Mr. Jones?

OPENING STATEMENT

BY MR. JONES:

May it please the Court, Government counsel, Ladies and Gentlemen: As you might expect, we have a different story to tell. Fundamentally, this is going to be

a very simple case, and we would ask that because the government first goes forward and then the defendant goes forward, that in order to see the total picture, you're going to be patient.

And what we intend -- the picture we intend to paint is going to be quite different in that all times relevant to this proceeding, that man, Mr. Blaine White, Attorney Blaine White knew Mr. Harold Linden as William Baldwin, Bill Baldwin. [I-13] Their relationship goes back approximately six years, to mid-1980s. Mr. White at that time was with the law firm Mitchell, Mitchell, & Mitchell in Baltimore, and Mr. White met who he then believed to be Mr. Baldwin through some business contacts.

They met in New York city on a commodities deal, they had some other commercial dealings, and as an offshoot of

that, their was some dialogue with regard to different business enterprises, and they stayed in touch for a number of years. As a matter of fact, in the mid-1980s, shortly thereafter, Mr. White went to the United Kingdom, to England, on business. We will offer evidence in that regard. At that time, he was still known as Bill Baldwin.

And so they had stayed in touch for a number of years, until 1987. During that period of time, Mr. White knew that Mr. Baldwin was in Florida. The reason why he had been in New York when they first met was because Mr. Baldwin's then first wife had died -- was on her death bed and receiving treatment in a New York hospital.

Sometime thereafter, in approximately 1987, the communication between Mr. Baldwin and Mr. White stopped.

Then in approximately August of last year,

Bill Baldwin calls up Mr. White, he had represented him in the past, and wanted to seek some more representation.

Again, this was in regards to a commercial deal.

APPENDIX Q

ORAL ARGUMENT SCHEDULED FOR MAY 2, 1991

BRIEF FOR APPELLEE

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 91-3021

UNITED STATES OF AMERICA,
Appellee,

v.

BLAINE A. WHITE,
Appellant.

APPEAL FROM THE UNITED STATES DISTRICT
COURT FOR THE DISTRICT OF COLUMBIA

JAY B. STEPHENS,
United States Attorney.

JOHN R. FISHER,
THOMAS J. TOURISH, JR.,
ERIC A. DUBELIER,
BARRY WIEGAND,
Assistant United States
Attorneys.

Cr. No. 90-00427-01 (TFH)

The Defense Evidence

Appellant testified in his own behalf, essentially admitting the acts of securing a copy of a birth certificate in the name of William Smith Baldwin for Linden and of filing an affidavit supporting Linden's application for a U.S. passport for Linden in the name of Baldwin (Tr.II 53-55, 58, 63-65).[1] Appellant contended, however, that he had always known Linden as Baldwin and had met him as such in 1984 (Tr.II 35-36)....

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[1] Appellant was his sole fact witness; he also called three character witnesses, including former U. S. Rep. Parren J. Mitchell (D-Md.), who testified to appellant's good reputation for honesty (Tr.II 96-107).

APPENDIX R

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

United States of America,	:	
	:	
	:	
vs.	:	Criminal No.
	:	CR 90-0427-91
	:	(TFH)
	:	
Blaine A. White,	:	
	:	
Defendant.	:	

DEFENDANT'S MOTION IN LIMINE TO EXCLUDE INTRODUCTION OF EVIDENCE OR, AND REFERENCE TO, MENTIONING, OR SOLICITING INFORMATION CONCERNING EITHER THE APPLICATION FOR BIRTH ABSTRACT OR, THE BIRTH RECORD OF WILLIAM SMITH BALDWIN DECEASED

Defendant, Blaine A'mmon White, by and through counsel undersigned, moves this Court exclude all evidence of and or information concerning the application for birth record abstract, the birth record of William Smith Baldwin, deceased, and for exclusion of any and all evidence of the manner in which the same were obtained by defendant and for reasons states:

1. Defendant, Blaine A'mmon White, was acquitted of violation of 18 U.S.C. sec. 1028 (a) (4) and 2, incident to knowingly possessing a birth record of on William Smith Baldwin with intent to defraud the United States.

2. Defendant, was reindicted in October 1990 for passport fraud and associated violations of the U.S. Criminal Code which trial is to begin on or about March 2, 1992.

3. The Government has served defendant with proposed stipulations which indicate that the Government intends to introduce evidence of the violations for which defendant has been acquitted.

4. The Government may not reprove the conduct of defendants involving the birth certificate offense unsuccessfully prosecuted under the first indictment. See U.S. v. White, 936 F.2d

1326 at 1330 (D.C. Cir. 1991).

Wherefore, defendant prays this Court for an order excluding any and all evidence of or reference to the birth abstract record application, the birth record, and the conduct via which defendant obtained the same.

Respectfully submitted,

James Benny Jones
Bar No. 345322
1129 Twentieth St. N.W.
Suite 400
Washington, D.C. 20036
(202) 296-0221

CERTIFICATE OF SERVICE

I, the undersigned, certify this 28th day of February 1992 that a true and complete copy of the aforegoing Motion to Exclude, etc. was mailed first class postage, pre-paid to Eric Dubelier, Assistant United States Attorney, 555 4th Street N.W., 5th Floor, Washington, D.C. 20001.

James Benny Jones, Esquire